

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE:)	
)	
SCIENCE FITNESS, LLC)	CASE NO.: 14-12297-SDB
DEBTOR)	CHAPTER 7
)	
JOY R. WEBSTER, TRUSTEE)	
PLAINTIFF)	
)	
VS.)	ADVERSARY PROCEEDING
)	NO.: 16-01034-SDB
EVANS FITNESS CLUB EXPRESS, LLC)	
DEFENDANT)	

DEFENDANT RESPONSES
TO REQUIRED INITIAL DISCLOSURES

COMES NOW the Defendant, Evans Fitness Club Express, LLC, by and through counsel, and pursuant to Federal Rule of Civil Procedure 26(a)(1) submits the following Responses to Required Initial Disclosures, respectfully showing this honorable court as follows:

Disclosure 1(A): Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response to Disclosure 1(A): Bill Smith, 3002 Allen Drive, Evans, GA 30809. Mr. Smith can testify as to the installation and removal of the alleged trade fixtures

Mike Montarbo, Evan Fitness Club Express, 3002 Allen Drive, Evans, GA 30809. Mr. Montarbo can testify as to the installation and removal of the alleged trade fixtures.

Joy Webster, Chapter 7 Trustee for Debtor, Post Office Box 1773, Macon, GA 31202.

Rich Simone can be reached through his attorney, Aimee Pickett Sanders, Hull Barrett, PC, Post Office Box 1564, Augusta, Georgia 30903. Mr. Simone can testify as to the sale of assets by GH Evans, LLC to Science Fitness.

Larry Hogue, address unknown. Mr. Hogue can testify as to the assets which were purchased by Science Fitness from GH Evans, LLC.

Disclosure 1(B): Provide a copy of, or a description by category and location of, all documents, date compilations, and tangible things that are in possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Response to Disclosure 1(B): Documents which support Defendant's claim which it currently has in possession are Purchase Agreement (where property was sold to Science Fitness) and Lease of the premises from Evans Plaza Partners to Science Fitness.

Disclosure 1(C): Provide a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Response to Disclosure 1(C): At this time there are no damages claimed by the Plaintiff against the Defendant other than for indemnity of fees and costs which are unknown at this current time. Defendant has a cross claim against Debtor for monies paid after the purchase of the accounts receivables in the amount of \$1,597.00. Documents supporting said claim have been provided with the Defendant's Answer and Counterclaim. Other damages may be incurred. Defendant will supplement this response in the event there are additional damages.

Disclosure 1(D): Provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response to Disclosure 1 (D): There is no insurance which is liable to satisfy a part or all of any judgements rendered in this action.

Disclosure 2(A): Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence.

Response to Disclosure 2(A): To date there are no individuals known who would be responsive to this query, but Defendant's investigation is ongoing and Defendant will supplement this answer in the event persons are discovered or would qualify pursuant to the aforesaid Federal Rules of Evidence.

This 18th day of November, 2016.

/S/John P. Claeys
John P. Claeys
Attorney for Defendant
Ga. Bar No. 126325

Claeys, McElroy- Magruder & Kitchens
512 Telfair Street
Augusta, Georgia 30901
706-722-8952

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing DEFENDANT'S RESPONSES TO REQUIRED INITIAL DISCLOSURES upon the following by email, electronic service, and/or placing a copy of the same in the United States Mail with adequate postage affixed thereto.

Robert M. Matson
Attorney for Trustee
Akin, Webster & Matson, P.C.
Post Office Box 1773
Macon, Georgia 31202

Jon A. Levis
Merrill & Stone, LLC
Post Office Box 129
Swainsboro, GA 30401

Aimee Pickett Sanders
Hull Barrett, P.C.
Post Office Box 1564
Augusta, Georgia 30903

Matthew E. Mills
Assistant United States Trustee
Office of the U. S. Trustee
Johnson Square Business Center
2 East Bryan Street, Ste 725
Savannah, GA 31401

This the 18th day of November, 2016.

/John P. Claeys
JOHN P. CLAEYS
Attorney for Defendant
Georgia Bar No.:126325

CLAEYS, MCELROY-MAGRUDER & KITCHENS
512 TELFAIR STREET
AUGUSTA, GEORGIA 30901
Phone: 706-722-8952